

Board of Supervisors Regular Meeting

Monday, April 8, 2024 | 7:00 p.m.

1) Call to Order, Pledge of Allegiance

Mr. Ksiazek called the meeting to order at 7:00 p.m.

Before welcoming the Neshaminy High School Choir to the dais, Mr. Ksiazek provided a short introduction of the choir. The choir sang performed the Star-Spangled Banner as well as "Georgia on My Mind," which be sung at their Pennsylvania Music Educators Association (PMEA) All State Conference.

2) Roll Call

After the Pledge of Allegiance Ms. Quirple called roll. Supervisors Ksiazek, Hannah, Payne, and Kane attended the meeting along with the Township Manager Stephanie Teoli Kuhls, Assistant Township Manager Nick Valla, Solicitor James Esposito, and Township Engineer Isaac Kessler.

Ms. Quirple announced that Chief Joseph Bartorilla, Captain Pete Feeney, Director of Finance Mega Bhandary, Director of Building and Zoning, Jim Ennis, and Director of Public Works, Eric Gartenmayer, and Director of Parks & Recreation, Paul Kopera, were in attendance.

3) Upcoming Meetings/Events

- a) Next Board of Supervisors Meeting – Monday, May 13, 2024, at 7:00 p.m.
- b) Earth Day – Saturday, April 27, 2024, from 11:00 a.m. to 2:00 p.m. – Core Creek Park
- c) Pennsylvania Beloved Communities Tour – Tuesday, April 30, 2024 5:30 p.m. – 7:00 p.m.

4) Special Items

- a) Recognition of Lieutenant Ken Mellus' Retirement

Chief Joseph Bartorilla provided a brief background of Lieutenant Kenneth Mellus' 38-year career with the Middletown Township Police Department (MTPD). Chief Bartorilla noted that in 1995, Lt. Mellus was promoted to Sergeant. Throughout his time as a Sergeant, he served in both the patrol and administrative divisions. He added that Lt. Mellus was heavily involved in several community policing initiatives, including the Citizens Police Academy, the Neshaminy School District Adopt a Cop program, child fingerprinting and ID programs, K-9 demonstrations, and crime prevention seminars.

Lt. Mellus was promoted to lieutenant in 2011. As Lieutenant, he played an instrumental role in growing the IT infrastructure of the Middletown Township Police Department. Chief Bartorilla commented that nearly all the technology MTPD utilizes today is a result of Lt. Mellus's work.

Lt. Ken Mellus is recognized for honorably serving the citizens of Middletown Township for over 38 years. Chief Joseph Bartorilla congratulated Lt. Mellus on his well-deserved retirement.

Lt. Mellus thanked the Board of Supervisors and staff of Middletown Township, past and present, and staff for a great career in the Police Department. He expressed that he hopes he will give back half of what the Township had given him.

Mr. Ksiazek congratulated Lt. Mellus and thanked him for his dedicated years of service to Middletown Township. On behalf of the Board, he thanked him for the incredible community outreach and activities which have made Middletown Township a better place.

b) Local Government Month Proclamation

Mr. Ksiazek read the Local Government Month Proclamation out loud.

c) Recognition of Middletown Township Environmental Advisory Council (EAC) Arbor Day Proclamation and Earth Day Proclamation

Mr. Ksiazek read the Arbor Day Proclamation and Earth Day Proclamations out loud.

Mr. Ksiazek noted that the Board of Supervisors would like to acknowledge the efforts of Middletown Township Environmental Advisory Council (EAC), which is a volunteer group of residents, for all their hard work and for their environmental efforts in our community. He presented certificates in appreciation to the following EAC members in attendance at tonight's meeting: John Lopuzanski, Kevin Deeney, and Donna Fiedler. EAC members Peter Tantala, Gerry Bender, Andy McAloon, and Lauren Lareau were not present and will receive their certificates at a later date.

Mr. Kopera concluded the EAC's recognition by presenting the Board members with EAC t-shirts.

5) Public Comment. *Non-Agenda Items only.*

Joseph Fitch, 436 Wyoming Ave, concerned about ongoing water issues along Wyoming Ave.

Mr. Ksiazek noted that the Board acknowledges the issues and there is a plan to fix and address Mr. Fitch's concerns.

Isaac Kessler, Township Engineer was able to provide a response to Mr. Fitch as to the last time that the Township Engineer's office was out to inspect. Mr. Kessler noted that he will follow up with Mr. Fitch.

Stephanie Teoli Kuhls, Township Manager noted that this issue will be corrected this upcoming construction season.

Dori Brower, 1821 Langhorne Yardley Road, questioned when the Langhorne Yardley Road and the Woodbourne Road Project will begin and if there will be communication prior to construction as her property will be impacted by the construction.

Nick Valla, Assistant Township Manager noted that once the Township receives firm start dates from PennDOT, the Township will then communicate with the residents. Mr. Valla added that he will reach out to the construction manager to make sure that Ms. Bower and other impacted residents' concerns are addressed.

6) Consent Agenda Items

- a) Consideration of authorizing payment of April 8, 2024, Bills List in the amount of \$2,156,443.65
- b) Consideration of approving the March 11, 2024, Minutes of the Public Meeting of Middletown Township Board of Supervisors.
- c) DPW Yard Improvements Phase 1
 - Consideration of approving Change Order #3 for an additional \$14,410.94 for environmental remediation and balancing of final quantities work completed to close out the Fueling Operations Phase of the project.
 - Consideration of approving Payment Certificate #8, Final, in the amount of \$51,309.87 for remaining items, retainage, and close out of the Fueling Operations Phase per the adjusted contract amount following Change Order #3.
- d) DPW Yard Improvements Phase 1A
 - Consideration of approving Change Order #2 for a negative \$396.00 for adjustments of final completed quantities of soil remediation and paving asphalt floor of the Salt Barn.
 - Consideration of approving Payment Certificate #4 in the amount of \$304,745.76 for completed items in construction.
 - Consideration of approving Payment Certificate #5 in the amount of \$334,353.65 for completed items in construction.

Action: Ms. Quirple made a motion to approve consent agenda items as A-D, seconded by Ms. Payne. Motion carried by a vote of 5-0.

7) Discussion of Single Use Plastics Ordinance

Ms. Teoli Kuhls introduced Kevin Deeney, member of the Middletown Township Environmental Advisory Council (EAC), who provided a presentation to the Board of Supervisors.

Mr. Deeney began his presentation by noting that the consideration of plastic ordinance is a task that is defined in the Township's Climate Action Plan. He added that one of the Environmental Speaking Series that the EAC provides to the public twice in the Fall and twice in the Spring was titled, "Single Use Plastics." This presentation noted how single use plastics are prevalent in the environment and how they impact the environment.

Mr. Deeney shared that for the Middletown population of more than 45,000 residents, the Township uses approximately 13,513 million plastic bags in a year's time, which translates to about 68,000 gallons of fuel. He reviewed in detail the environmental impacts that plastic has to our community.

Mr. Deeney explained while the EAC did their research and it was noted that many communities throughout Pennsylvania, New York, New Jersey, and Delaware have already implemented the plastic ban use. Adding that the EAC members are here tonight to emphasize they are here to help the Board of Supervisors in the discussion of this topic.

He also added that he is sending regrets for EAC Chairperson, Lauren Lareau who could not be a part of tonight's meeting.

Mr. Ksiazek thanked Mr. Deeney for the presentation and the information. He added that the Board of Supervisors will need to have some further discussion on this topic. He acknowledged that some of our neighboring municipalities have already passed similar ordinances.

Mr. Ksiazek expressed that he would like more information on how this would impact the business community in our Township. Mr. Deeney noted that the EAC is still in the discussion phase and believes that all stakeholders need to be involved in a further discussion of how this process should start.

Mr. Ksiazek added that the Board members will start to look at sample ordinances from other municipalities and this was implemented. He noted that this agenda item was just for discussion and there is nothing to vote on tonight and allow the EAC the opportunity to present.

Ms. Kane would like to hear more about studies that can support the positive and long-lasting impacts of the communities that have established this ordinance.

Ms. Payne questioned if there are any grants available that could help support communities with this transition. Mr. Valla noted that the Township does provide reusable bags at Township events and will keep a look out for any available grant opportunities.

Ms. Teoli Kuhls added that the Township has spoken to communities that have established this and have discussed some of the experiences that other communities have had.

Sally Maruka, 1382 Newtown Langhorne Road, represented 117 residents of Pennswood Village who have come together to support the Middletown Township EAC and Board of Supervisors passing a ban of single use plastic. Ms. Maruka presented a document of all the residents' signatures and addresses of Pennswood Village to Mr. Ksiazek.

Ms. Quirple questioned Ms. Teoli Kuhls if the Board could possibly meet with Elected officials from other municipalities that have gone through this similar process. Ms. Teoli Kuhls responded that it was something they could work on organizing.

Mr. Ksiazek thanked Mr. Deeney and the residents of the community that were present for this agenda item and their position on this topic.

8) Consideration of authorizing purchase of new high efficiency hot water boiler system for Municipal Center.

Ms. Teoli Kuhls explained that the existing hot water boiler system at the Middletown Municipal Center is original to the building, having been installed more than twenty years ago. She noted that in late 2023, the system began to show signs of failure, which resulted in one of the two boilers failing and the fan on the remaining boiler has since failed. One of the significant impacts of this failure are the fact that the indoor gun range cannot be utilized.

Ms. Teoli Kuhls noted that staff did look at the option of repairing the existing standard efficiency system which is estimated to cost more than \$350,000 to get the system up and running. She added that because the existing system is at the end of its expected lifespan, Township staff investigated options for system replacement.

She explained that the Township's current HVAC contractor, COSTARS vendor, was consulted to provide a quote since they have maintained the building's system for more than ten years and was the vendor utilized for the chiller replacement project two years ago. She noted that this project would include completely decommissioning the existing system and implementing a high efficiency system.

Ms. Teoli Kuhls provided in the Board's packet information about the reduction of fuel cost and the cost of savings over the course of the 25-year life span of the system, which comes to \$216,932. She noted that this project was approved as a Priority 2 Project in the 2024 Budget Capital Plan, which includes \$500,000 for this project.

She noted staff will seek rebates from PECO, which may offset this capital expenditure. She also added that there is \$76,530 Energy Efficiency and Conservation Block Grant (EECBG) allocated to the Township by the Department of Energy which could be utilized that funding to offset this system.

Mr. Ksiazek expressed that knowing the circumstances of the cost to repair versus the cost to replace it, while moving to high efficiency and the cost savings.

Ms. Kane questioned if the Township has noted where this project is from a market standpoint and if the scope of the project (labor and material) is necessary and has been reviewed.

Ms. Teoli Kuhls noted that she has been in communication with Southland to obtain additional information. She added that Southland is a COSTARs vendor, who implemented the current chiller system and has had the maintenance contract with the Township.

Ms. Teoli Kuhls also explained past issues with having a maintenance contractor who did not also install the system.

Mr. Ksiazek expressed the value from an administrative standpoint of having the installer and the company who performs the maintenance being the same company.

Eric Gartenmayer, Director of Public Works, explained that we are currently in year four of a five-year contract with Southland. He added that by having new pieces of equipment the contract value should decrease. The contract provides that the Township pays for the parts needed and the labor is included.

Ms. Kane and Mr. Ksiazek discussed the idea of obtaining other quotes for this project.

Mr. Ksiazek said that Ms. Kane's point about receiving additional bids is well taken, but with the totality of the situation and he understands the necessity of moving forward with this project.

Action: Mr. Ksiazek made a motion to authorize the purchase of new high efficiency hot water boiler system for the municipal center, seconded by Ms. Payne.

Eric Bruno, 79 Sweetgum Road, expressed that the Township should seek Alternatives quotes for this project.

Motion carried by a vote of 4-1. Ms. Kane was opposed.

9) Consideration of authorizing the advertisement of Bid Specifications for Solid Waste, Recycling and Yard Waste Collection – 2025-2029.

Ms. Teoli Kuhls noted that at the March Board of Supervisors meeting she explained that the current Solid Waste, Recycling and Yard Waste Collection contract is set to expire on December 31, 2024. She added that Middletown Township has a “single hauler” contract strategy where the township serves as the contracting agency for residential trash and recycling collection.

She stated that the current cost for this service is \$401.00 annually for township residents, which provides twice weekly trash collection, once weekly recycling collection, once weekly bulk collection and once weekly yard waste collection from April through January.

Ms. Teoli Kuhls explained that at the March meeting, there was discussion that the cost of collection has increased dramatically in recent years. She shared that in efforts to address escalating costs and to consider more modern collection processes, a proposed new bid has been drafted with several alternatives that will provide flexibility at time of award.

Ms. Teoli Kuhls concluded by noting that the bid will be posted in May, with a proposed opening in June. This will provide ample time for communication efforts with residents ahead of the anticipated August award. She added that this timeline will allow the Township to dig into and review all the different options.

Ms. Teoli Kuhls noted that communication was received from residents with their feedback and issues that were raised on this proposed changed. She added that the issues that were raised have been incorporated in the bid alternatives.

Ms. Teoli Kuhls reviewed in detail the follow draft bid options:

- **Primary Bid (As Is Option)** – Manual Collection - twice weekly trash, once weekly recycling, once weekly bulk (1 item) and weekly yard waste collection from April through January.
- **Alternate #1** – Manual Collection - the same as the primary bid with a move to once monthly bulk collection (2 items).
- **Alternate #2** – Automated Collection – twice weekly trash and recycling with 96 gallon toters, once weekly bulk (1 item) and weekly yard waste from April through January.
- **Alternate #3** – Automated Collection – the same as Alternate #2 with a once monthly bulk collection (2 items).
- **Alternate #4** – Automated Collection – once weekly trash and recycling with

96 gallon toters, once weekly bulk (1 item) and weekly yard waste from April through January.

- **Alternate #5** – Automated Collection – the same as Alternate #4 with a once monthly bulk collection (2 items).

She reiterated that an important component to the proposed bid is enhancing customer service by strengthening the customer service line and including a requirement that a mobile application be developed for resident service requests.

Ms. Teoli Kuhls is seeking authorization to put the project out to bid. She explained that the bid will be sent to the Board of Supervisors prior to posting.

Mr. Ksiazek commended Ms. Teoli Kuhls as the bid is structured with the various alternates does check all the boxes of every question, concerns, complaints, we have received since we raised this issue at the last meeting.

Mr. Ksiazek added that enhancements to customer service is a priority in the next service agreement that he would like to see fulfilled.

Ms. Quirple noted that she was happy to see that all alternatives were included in the proposed bid and various means for residents to communicate with the trash hauler.

Ms. Teoli Kuhls mentioned that she did learn of a municipality that has carveouts for the complicated and high-density neighborhoods which remain manual collection. She added that this is something she is looking into.

Ms. Kane thanked Ms. Teoli Kuhls and staff for their time and effort that was put into this bid and the alternatives. She also thanked all the residents that reached out and to hear their voices and feedback.

Ms. Teoli Kuhls noted that the Township has compiled a list of the resident email addresses and the Township will be in direct communication with through this whole process. She noted that some residents are in favor of automated collection.

Sheldon Post, 31 Rockwood Road, provided his feedback and concerns with the proposed automated collection.

Action: Ms. Quirple a motion to authorize the advertisement of bid specifications for Solid Waste, Recycling and Yard Waste Collection for the years 2025-2029,

seconded by Ms. Kane.

Ms. Payne requested that the Township provide a timeline for the residents of the bidding process.

Ms. Teoli Kuhls reiterated to the residents that at tonight's meeting the Board of Supervisors are authorizing of a bid tonight, the posting of the bid in early May, in the second week of June the Township will be opening the bids received and the Board of Supervisors will be awarding the bid at the August meeting. She added that this gives the Township from the middle of June to the middle of August to communicate all the options to the residents.

Ms. Teoli Kuhls addressed the concerns of the Waste Management employees losing their jobs with the change to automated collection.

Ms. Teoli Kuhls reminded residents to check the Middletown Township website and social media platforms for the most up-to-date information about this process.

Eric Bruno, 79 Sweet Gum Road, questioned how Waste Management would not be reducing staffing with the change to automated collection. Ms. Teoli Kuhls asked Mr. Bruno to contact her directly to discuss further.

Motion carried by a vote of 5-0.

- 10) Consideration of awarding the 2024 Road Program Bid to James D. Morrissey, Inc. in the amount of \$499,198.70.

Isaac Kessler, Township Engineer noted that the bidding process for the 2024 Road Program has been completed and received bids were opened. He explained that this year's Road Program consists of milling and overlaying several roadways throughout the Township in need of resurfacing. The locations in this year's Road Program are: Robinwood Drive, Robinwood Circle, Wood Court, Franklin Road, Country Lane, and S. Flowers Mill Road.

Mr. Kessler shared that there was a total of three bids received, with James D. Morrissey, Inc, as the lowest qualified bidder. He noted that the Township's 2024 Budget has \$900,000.00 allotted for the Road Program, which includes the S. Flowers Mill Drainage Project that was awarded at the March meeting.

He noted that this year's Road Program consists of a Base Bid, with no Alternate Bids for consideration with this year's project. The total mileage of milling and repaving for the roadways is 1.4 miles.

Mr. Kessler anticipates the scheduling of the roadway resurfacing work would approximately June 14th.

Action: Ms. Quirple motion to award the Base Bid for the 2024 Road Program in the amount of \$499,198.70 to James D. Morrissey, Inc, seconded by Ms. Payne. Motion carried by a vote of 5-0.

11) Consideration of authorizing demolition of 1129 Rising Sun Avenue.

Nick Valla, Assistant Township Manager, noted the Board previously authorized acquisition of the residence at 1129 Rising Sun Avenue. He reiterated that the Township was awarded funds from the FEMA Hazard Mitigation Grant Program (HMGP) for the purpose of acquiring and removal of the home on the property. This property has experienced repetitive insurances losses due to flooding of Chubb Run and Neshaminy Creek for several decades.

He explained that the next step in this process is to authorize a contractor to demolish the home. Once the home is demolished, the property will remain as open space. Three quotes were obtained for demolition of this property.

Mr. Valla shared that a quote was obtained under the bid threshold of \$23,200 from G&R Excavating and Demolition for this work. FEMA grant funds were advanced to the Township in late 2023. He added that the demolition project is within the budget of the grant.

He added that the Department of Public Works will assist with capping utilities at the property. Once demolition is scheduled, a training opportunity will be coordinated for the volunteer fire companies shortly before demolition occurs. Once both activities are scheduled, surrounding properties will be notified.

Action: Ms. Kane moved to authorize Township staff to enter into an agreement with G & R Excavating and Demolition for the demolition of the structure at 1129 Rising Sun Avenue, seconded by Ms. Hannah. Motion carried by a vote of 5-0.

12) Q1 Financial Report.

Mega Bhandary, Finance Director presented the Q1 2024 Financial and Pension Presentation report providing an overview of the first quarter of 2024 Revenue and Expenses, a brief overview of Investment Fund, and an update on our Pension Plans. See attached presentation.

Ms. Bhandary concluded her presentation by noting that it is still early still and there isn't much on the revenue side and that expenses are tracked correctly.

Ms. Kane thanked Ms. Bhandary for the time and effort that she puts into the quarterly presentation.

13) Consideration of authorizing preparation and advertisement of an amendment to the Noise Ordinance.

Mr. Kessler explained that it has come to the attention of the Township staff and professional consultants that the current noise ordinance would benefit from some additional language and to be updated to clarify areas of the ordinance. He explained that for land developments and commercial site developments, adding restrictions to conducting work generates excessive noise on weekends or overnights. Noting that these specific requirements are not in the current Township noise ordinance.

Mr. Kessler provided that for commercial developments, any work on weekends would need to be submitted for review and approval on a case-by-case basis. This is primarily because of the concern for noise nuisance if the property is adjacent to a residential neighborhood, etc.

He recommends that the current Noise Ordinance (§320) be reviewed and prepared for advertisement to update this ordinance. He added that the sections of the ordinance will be reviewed, including the prohibited conduct and exceptions.

Mr. Kessler concluded by stating that the Township Solicitor's office, along with his office and Township staff, will review and prepare the updated ordinance for their consideration.

Mr. Ksiazek confirmed that at this point there are no specific changes to the ordinance just simply authorizing Township staff and professional consultants to review the ordinance and recommend any potential changes. Mr. Kessler confirmed that was accurate.

*Action: Ms. Kane motion to authorize the preparation and advertisement of updates to the Middletown Township Noise Ordinance, seconded by Ms. Payne.
Motion carried by a vote of 5-0.*

14) Consideration of decision in the Officer Samantha Weed Hearing for continued Heart and Lung Act benefits.

Mr. Esposito explained that this is a continuation of a hearing that was held before the Middletown Township Board of Supervisors on March 13, 2024, pertaining to a request to termination of Heart and Lung Act benefits being received by Middletown Township Police Officer Samantha Weed.

He noted that the Council for Officer Weed and Council for Middletown Township have previously entered evidence all their exhibits for review. At the time, Mr. Esposito noted that the record is being closed and for the Board to entertain a motion.

Mr. Ksiazek surveyed the Board members for any questions for Mr. Esposito.

Action: Ms. Hannah made a motion to terminate the Pennsylvania Heart and Lung Act benefits for Police Officer Samantha Weed based on the evidence provided at the hearing held on March 13, 2024, finding that her disability from the work-related injury has ceased, seconded by Ms. Quirple. A motion carried by a vote of 5-0.

15) Other Business.

Mr. Esposito announced that the Board of Supervisors held an executive session prior to this meeting to discuss ongoing litigation and personnel matters, last Thursday, April 4th.

Ms. Quirple congratulated and wished Lt. Mellus the best of luck on his retirement.

Ms. Hannah thanked the residents who attended this past weekend's community clean up. She also thanked the Neshaminy High School choir for tonight's performance.

16) Adjournment.

Ms. Quirple moved to adjourn the public meeting of the Middletown Township Board of Supervisors public meeting at 9:04 p.m., seconded by Ms. Payne. Motion carried by a vote of 5-0.